



Kentucky Department
for the Blind
Building Working Relationships

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JUN 25 1998

June 24, 1998 FCC MAIL ROOM

Federal Communications Commission
Office of the secretary
1919 M Street, NW, Room 222
Washington, D.C. 20554

To Whom It **May** Concern:

Last year, the Access Board issued guidelines, which are both fair and would go a long way toward achieving access to telecommunications products. Among other things, the guidelines suggest ways for the manufacturers to achieve access in the design of their **products** and require product information and instructions to be accessible to people with disabilities. Unfortunately, it is not clear in the FCC's proposed rules whether the FCC intends to adopt the Access Board guidelines.

These guidelines are needed to provide clear guidance on the obligations of companies to make their products and services accessible. Telecommunications access is important to me in my job as well as providing access to family members and friends.

The Americans with Disabilities **Act** (ADA) requires certain **buildings** to be accessible if achieving such access is "readily achievable." The term "**readily** achievable" has a long history to it, and for the most part involves a balancing of the costs of providing **access** with the overall financial resources of the company which must provide such access. Congress adopted the "readily achievable" concept in Section 255 of the Telecommunications Act. **Specifically**, Section 255 requires telecommunications providers and manufacturers to provide access where it is readily achievable to do so. In its proposed rules, the FCC has proposed to **define** readily achievable in a manner that is very **different** from the way that it was defined in the ADA.

Among other things, the FCC wants to allow companies to be able to consider whether they will be able to recover the costs of providing access, and the extent to which they will be able to market an accessible product. These factors may

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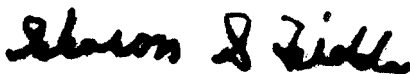
allow a company to get out of its access **obligations merely because** the market for certain accessible products may be smaller. This goes against the whole purpose of Section 255. Section 255 was intended to require **access** to people with disabilities because market forces alone were not enough to ensure that access. Allowing a company to consider whether it will recover the costs of achieving such access has never been permitted under other disability laws.

Indeed, telecommunications have already had a major impact on the ability and opportunity for people with disabilities to learn, work, and participate in the community. **Moreover,** just as **telecommunications** is **becoming** increasingly important in the lives of Americans **generally,** so also is its **significance** in the lives of people with disabilities destined to grow.

If these **services** are not required to be **accessible, people** with **disabilities** will continue to have fewer employment **opportunities,** and will not be able to fully participate in today's society. I Urge the FCC to cover "**enhanced** services," because coverage of these services is critical.

I strongly urge the FCC to adopt the telecommunications guidelines established by the Access **Board.**

Sincerely,

A handwritten signature in black ink, appearing to read "Sharon S. Fields".

Sharon S. Fields
Principal **Assistant/**
ADA Coordinator



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State of New Jersey

CHRISTINE TODD WHITMAN
Governor

DEPARTMENT OF LABOR
PO BOX 052
TRENTON NJ 08625-0052

MEL GELADE
Commissioner

June 23, 1998

Martha E. **Contee**, Chief
Public Service Division
Office of Public **Affairs**
Federal Communications Commission
Washington, D.C. 20554

Dear Ms. **Contee**:

Your recent letter to Commissioner Gelade regarding the Federal Communications Commission Notice of Proposed Rulemaking was referred to me for review and response.

The Federal Communications Commission Notice of Proposed Rulemaking is a ponderous and technical document. Succinctly put, Section 255 requires manufacturers of telecommunications equipment and service providers to make every effort to assure that these services are accessible to persons with disabilities.

It addresses input, control and mechanical functions:

- Operable without vision
- Operable with low vision and limited or no hearing
- Operable without hearing
- Operable with limited manual dexterity
- Operable with limited reach or strength
- Operable without time dependent controls
- Operable without speech
- Operable with limited cognitive skills

It also addresses output, display and control functions:

- Availability of visual information
- Availability of visual information for low vision users
- Access to moving test
- Availability of audio information for people who are hard of hearing
- Prevention of visual induced seizures
- Availability of audio cut off
- Non-interference with hearing technology
- Hearing/aid coupling



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AD-18.5 (4-98)

In addition, it focuses on peripheral devices such as audio amplification, ring signal lights, **TTYs**, Braille translators, text-to-speech synthesizers and similar devices.

The intent of the regulations appear to require manufacturers to consider the access needs of the disabled in the development and production stages of telecommunication devices. The basic premise with this belief is that the costs will be greatly reduced if accessibility is built into the product off the shelf instead of customized at some later date.

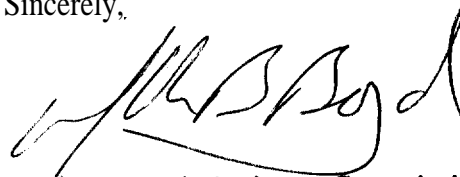
The indented rules propose a fast track resolution process to complaints concerning accessibility for the disabled. It is hoped that any non-compliance issues formally voiced will subsequently be resolved in days rather than months through this fast track process.

The concept of the equality in access and the attempt to resolve accessibility in a rapid simple fashion is both laudable and desirable.

If there may be legal or technical issues hidden in the proposed rules of Section 255 which would have impact on the department we are not aware of them. From a vocational rehabilitation perspective, I have no negative comments and support the concepts contained in the proposed regulations.

I hope this information is **helpful**.

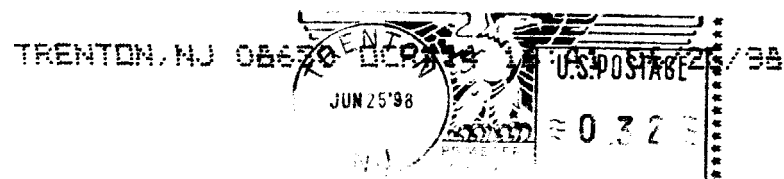
Sincerely,

A handwritten signature in black ink, appearing to read 'Mark B. Boyd', written in a cursive style.

Mark B. Boyd, Assistant Commissioner
Workforce New Jersey

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OFFICE OF THE ASSISTANT COMMISSIONER
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JUN 29 1998

Martha E. Contee, Chief
Public Service Division
Office of Public Affairs
Federal Communications Commission
Washington, D.C. 20554

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